



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN, CONNECTICUT
November 9, 2010**

Special Meeting	A special meeting of the Common Council of the City of Middletown was held in the auditorium of Snow School, on Tuesday November 9, 2010 at 6:30 p.m.
Present	Mayor Sebastian N. Giuliano, Council Members Thomas J. Serra, Vincent J. Loffredo, Ronald P. Klattenberg, Philip J. Pessina, Gerald E. Daley, Joseph E. Bibisi, Robert P. Santangelo, Hope P. Kasper, James B. Streeto, Grady L. Faulkner, Jr., Deborah A. Kleckowski, David Bauer, Acting Deputy Chief of Police Gregory Sneed, and Council Clerk Marie O. Norwood.
Absent	Council Members Robert P. Santangelo, Grady L. Faulkner, Jr., David Bauer, and Corporation Counsel William Howard
Meeting Called to Order	Deputy Mayor Bibisi called the meeting to order at 6:35 p.m. and leads the Council in the Pledge of Allegiance.
Call of Meeting Read	The Call of Meeting was read and accepted. Deputy Mayor Bibisi declares the Call a Legal Call and the Meeting a Legal Meeting.
Public Hearing Opens	The Chair opens the public hearing on agenda items at 6:35 p.m. He states there is one item on the agenda, the ordinance appropriating \$740,000 bonds to cover City public parking improvements. He asks if there are any members of the public wishing to speak.
Public Hearing Closes	<p>The Chair again asks if there are any speakers wishing to address the agenda item. Seeing none, he closes the public hearing at 6:35 p.m.</p> <p>The Chair states the next item is questions to directors; there are no directors present.</p> <p>The Chair asks the clerk to read the appropriation and bond request and the Certificate of the Director of Finance.</p>
Noted for the Record	Councilman Gerald E. Daley takes his seat at 6:37 p.m.
Bond Ordinance And Appropriation Request	

Public Hearing, Bond Ordinance to be considered by the public on November 1, 2010, and acted upon by the Council on November 9, 2010:

1. AN ORDINANCE APPROPRIATING \$740,000 FOR CITY PUBLIC PARKING IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$740,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Certificate of Director of Finance

To: His Honor Mayor Sebastian N. Giuliano
and Members of the Common Council
From: Finance
Date: November 8, 2010
RE: Certification of Funds

This is to certify that funds for the appropriations requested at your meeting of November 9, 2010 are available as follows:

City Public Parking Improvement	\$740,000
Ordinance Bond Issue	

Respectfully submitted,
Carl Erlacher
Director of Finance

Agenda Item	5-1
Description	Bond Ordinance Request

Councilman Serra is recognized by the Chair and reads agenda item 5-1, the Bond Ordinance for public parking improvements for \$740,000; he reads through Section 1 of the Ordinance.

Motion to Waive Rules

Councilman Streeto moves to waive the reading of the rest of the ordinance; his motion is seconded by Councilwoman Kasper. The Chair asks if there is any discussion. Seeing none, he calls for the vote. It is eight aye votes by Council Members Serra, Loffredo, Pessina, Daley, Bibisi, Kasper, Streeto, and Kleckowski; and one nay vote by Councilman Klattenberg. The Chair states the matter passes with one in opposition.

Councilman Serra moves the parking improvement bond ordinance for approval and is seconded by Councilman Pessina.

The Chair asks if there is any discussion. Seeing none indicated, the Chair calls for the vote by roll call:

Councilman Bauer	Absent
Councilman Bibisi	Aye
Councilman Daley	Aye
Councilman Faulkner	Absent
Councilwoman Kasper	Aye
Councilman Klattenberg	Aye
Councilwoman Kleckowski	Aye
Councilman Loffredo	Aye
Councilman Pessina	Aye
Councilman Santangelo	Absent
Councilman Serra	Aye
Councilman Streeto	Aye

The Chair states the matter passes with 9 affirmative votes and three member absent and not voting and no negative votes.

Ordinance No.
File Name
Description

84-10
\$740000BONDSPARKINGIMPROVEMENTSNOV92010.doc
AN ORDINANCE APPROPRIATING \$740,000 FOR CITY PUBLIC PARKING IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$740,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

(APPROVED)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

Section 1 The sum of \$740,000 is appropriated to improve City of Middletown public parking facilities including additional lighting security cameras and call boxes, new parking meters, paving, signage, space, reconfiguration and addition, aesthetic improvements and consultant services, administrative, printing, legal, and financing costs related thereto. The specific improvements and their location shall be determined jointly by the Parking Advisory Committee of the Council and the Parking Director, and may be made to any City public parking facility as so determined.

Section 2. The expected useful life of the project is twenty years. The total estimated cost of the project is \$740,000, no portion of which is expected to be paid from sources other than the proposed bond issue. The project is a single improvement constituting a general benefit to the city of Middletown and its general governmental purposes.

Section 3. To meet said appropriation \$740,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the City and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds, annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor and the City Treasurer in accordance with requirements of the General Statutes of Connecticut, as amended.

Section 4. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council. In order to meet the capital cash flow expenditure needs of the City, the Mayor and the City Treasurer are authorized to allocate and reallocate expenditures incurred for the project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and project herein authorized.

Section 5. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation the purchase contract shall be approved by the Mayor and City

Treasurer. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 6. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the iDebt Statementi attached hereto.

Section 7. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 8. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust company designated by the Mayor and the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 9. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City hereby expresses its official intent pursuant to @1.150-2 of the Federal Income Tax Regulations, Title 26 (the iRegulationsi), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with proceeds of bonds, notes, or other obligations (iBonds i) authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 10. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 11. It is hereby found and determined that the issue of all, or a portion of, the Bonds, Notes or other obligations of the City authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest. The Mayor and City Treasurer are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to HR1, iMaking Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for other purposesi (the iAmerican Recovery and Reinvestment Act of 2009i), including but not limited to any itax credit bond,i or iBuild America Bonds i including Direct Payment and Tax Credit Versions.

DEBT STATEMENT
September 28, 2010
CITY OF MIDDLETOWN, CONNECTICUT

ANNUAL RECEIPTS FROM TAXATION AND REIMBURSEMENTS ("BASE")	
Fiscal Year Ended June 30, 2009	99,756,396
BORROWING CAPACITY FOR EACH CLASS	
2-1/4 times base for General Purposes	224,451,891
4-1/2 times base for Schools	448,903,782
3-3/4 times base for Sewers	374,086,485
3-1/4 times base for Urban Renewal	324,208,287
3 times base for Unfunded Past Benefit Obligations	299,269,188
MAXIMUM AGGREGATE BORROWING CAPACITY	
7 times Base	698,294,772
INDEBTEDNESS BONDS AND NOTES:	
GENERAL PURPOSES	23,438,550
SCHOOLS	33,197,472
SEWERS	4,904,703
URBAN RENEWAL	-
UNFUNDED PAST BENEFIT OBLIGATIONS	-
BONDS AND NOTES AUTHORIZED BUT UNISSUED:	
GENERAL PURPOSES	20,739,741
SCHOOLS	173,547
SEWERS	8,672,755
URBAN RENEWAL	-
UNFUNDED PAST BENEFIT OBLIGATIONS	-
CLEAN WATER FUND LOANS:	
SEWERS	7,839,902

SUB-TOTAL INDEBTEDNESS	98,966,670	
LESS		
FEDERAL AND STATE OF CONNECTICUT BUILDING GRANTS, COMMITMENTS AND RECEIVABLES		
GENERAL PURPOSE	500,000	
SCHOOLS	538,808	
SEWERS	-	
URBAL RENEWAL	-	
TOTAL DEDUCTIONS	1,038,808	
NET INDEBTEDNESS		97,927,862
TOTAL DEDUCTIONS		
BALANCE OF BORROWING CAPACITY FOR EACH CLASS:		
GENERAL PURPOSE	180,273,600	
SCHOOLS	416,071,571	
SEWERS	352,669,125	
URBAL RENEWAL	324,208,287	
UNFUNDED PAST BENEFIT OBLIGATIONS	299,269,188	
BALANCE OF MAXIMUM AGGREGATE BORROWING CAPACITY AVAILABLE		60,366,910

Meeting Adjourned

The Chair states there is no further business and asks for a motion to adjourn. Councilman Serra moves to adjourn and his motion is seconded by Councilman Klattenberg. The vote is called and it is unanimous with nine aye votes. The Chair declares the meeting adjourned at 6:40 p.m.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk